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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/700,316

10/31/2003

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EXAMINER

EDWARDS, ANTHONY Q

ART UNIT

PAPER NUMBER

2835

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/700,316	Applicant(s) LORD, CHARLES	
	Examiner Anthony Q. Edwards	Art Unit 2835	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the "port coupled to the sleeve and adapted to receive the notebook computer" as described in the specification, i.e., there is no showing of the notebook computer as its being received into the sleeve. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are also objected to because they do not show every feature of the invention specified in the claims. Therefore, the handle being pivotably retracted must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 10, 11, 12, 14 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,896,134 to Russell et al. ("Russell" hereinafter). Referring to claims 1 and 11, Russell discloses the notebook computer protection device, as well as the combination of the notebook computer and the protection device, comprising a notebook computer (24), and a reinforced body member (60) having a sleeve (i.e., the area between top portion 66 and bottom portion 62) adapted to both receive and secure a notebook computer therewithin, the body member (60) having at least one opening (80) permitting access to a lateral portion of the received notebook computer while secured therewithin. See Figs. 4-7 and col. 5, lines 21-25.

Referring to claims 2 and 12, Russell discloses the device as claimed, wherein the body member (60) has a plurality of openings (80 and a front port, not numbered, behind flap 74) permitting access to a plurality of lateral portions of the notebook computer while secured therewithin. See Figs. 5 and 6.

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Referring to claims 4 and 14, Russell discloses the device as claimed, wherein the body member (60) has a port (80) coupled to the sleeve and is adapted to receive the notebook computer and also to permit retrieval therethrough. See Figs. 5 and 6.

Referring to claims 10 and 20, Russell discloses the device as claimed, wherein the body member (60) further comprises a resilient member (68) disposed proximate the sleeve and adapted to securely cushion the notebook computer when received therewithin. See col. 4, lines 59-63.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell. Russell discloses the device as claimed, except for the body member comprising a translucent material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a translucent material for the body member, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416.

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell ('134) in view of U.S. Patent Publication No. US2004/0025993 to Russell ("Russell '993" hereinafter). Russell ('134) discloses the device as claimed, except for

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the body member (60) having a plurality of extensions defining the openings therebetween. Russell ('993) discloses a protective pad attachment for a notebook or portable computer, wherein the attachment device includes a plurality of extensions (456) defining openings (not numbered) therebetween. It would have been obvious to one having ordinary skill in the art at the time the invention was made modify the reinforced body (60) of Russell ('134) to include a body having a plurality of extensions (456) defining openings (not numbered) therebetween, as thought by Russell ('993), since Russell ('993) would reduce the overall weight of the body without sacrificing the ability to protect the notebook computer.

Claims 5-7 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of U.S. Patent 6,208,504 to Cho et al. ("Cho" hereinafter).

Referring to claims 5 and 15, Russell discloses the device as claimed, including a handle (76) disposed across the front port (not numbered) and adapted to permit manipulation of the body member when the notebook computer is received therein. See Fig. 4. Russell does not specifically teach that the handle is retractable. Cho discloses a portable computer having a retractable handle (see Fig. 12). It would have been obvious to one having ordinary skill in the art at the time the invention was made modify the protection device of Russell to include a retractable handle, as taught by Cho, since the device of Cho would provide a hidden, compact handle for the device of Russell that will avoid inadvertent latching onto nearby objects when not in use.

Referring to claims 6 and 16, Russell as modified by Cho discloses the device as claimed, wherein the handle is pivotably retractable. See Fig. 12 of Cho, which shows

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the handle (200) pivoting up (i.e., away from the case 100) and down (i.e., pivoting toward the case 100).

Referring to claims 7 and 17, Russell as modified by Cho discloses the device as claimed, wherein the handle curves outwardly from the body. See Figs. 14A and 14B of Cho.

Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of U.S. Patent No. 7,075,433 to Singer. Referring to claims t Russell discloses the device as claimed, except for the device including a security device adapted to alert when the notebook is removed from the protective member. Singer discloses Bluetooth theft control device for small electronic device. See the "Brief Summary of the Invention." It would have been obvious to one having ordinary skill in the art at the time the invention was made modify the protection device of Russell to include a security device, as taught by Singer, to help mitigate theft of the notebook computer of Russell.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (6:00-3:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash N. Gandhi can be reached on 571-272-3740. The fax phone



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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 9, 2007  
aqe

*JN Gandhi*  
*5/11/07*  
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SUPERVISORY PATENT EXAMINER